

REMARKS

By the above amendment, claim 1 has been amended, claims 2-11 have been canceled, and claims 12-31 have been added. These amendments do not add prohibited new matter and are fully supported by the specification. Support for these amendments may be found, for example, as indicated in the following listing.

Support for the amendment:

The following page numbers and paragraph numbers were excerpted from United States Patent Application Publication US 2006/0014811 A1.

Amended claim 1

Group	Supporting description
Method claim	Page 2, Paragraph [0019]
A	Page 1, Paragraph [0005]
E	Page 23, Paragraph [0242] → The phrase “a 2,5-di-substituted phenyl group wherein at least one of said substituents is trifluoromethyl group” was selected. Page 23, Paragraph [0245] → The phrase “a 3,5-di-substituted phenyl group wherein at least one of said substituents is trifluoromethyl group” was selected. Page 24, Paragraph [0254] → The phrases “a mono-substituted thiazol-2-yl group” and “a di-substituted thiazol-2-yl group” were selected.
Z	Page 21, Paragraph [0232] → The phrase “a benzene ring which may further have one or more substituents” was selected.

New claim 12

Group	Supporting description
A	Same as amended claim 1
E	The phrase “a 2,5-di-substituted phenyl group wherein at least one of said substituents is trifluoromethyl group” was selected from amended claim 1.
Z	Same as amended claim 1

New claim 13

Group	Supporting description
A	Hydrogen atom was selected from new claim 12.
E	Page 23, Paragraph [0242] →Substituent Group $\delta$ -2e was selected.
Z	Pages 21-22, Paragraph [0235] →Partial formula (I-2z) was selected.
R <sup>z</sup>	Pages 21-22, Paragraph [0235] →The phrase “a benzene ring which may further have one or more substituents” means that R <sup>z</sup> may be hydrogen atom. Pages 21-22, Paragraph [0235] →Substituent Group $\gamma$ -2z was selected.

New claim 14

Group	Supporting description
A	Same as new claim 13
R <sup>z</sup>	Halogen atom(s) was selected from new claim 13.
E	2-Chloro-5-(trifluoromethyl)phenyl group, 2,5-bis(trifluoromethyl)phenyl group, 2-fluoro-5-(trifluoromethyl)phenyl group, and 2-methoxy-5-(trifluoromethyl)phenyl group were selected from new claim 13.

New claim 15

Group	Supporting description
-------	------------------------

A	Same as new claim 14
R <sup>z</sup>	Same as new claim 14
E	2,5-Bis(trifluoromethyl)phenyl group was selected from new claim 14.

New claim 16

Group	Supporting description
A	Same as new claim 15
R <sup>z</sup>	Bromine atom was selected from halogen atom(s) in new claim 15. →Page 2, Paragraph [0027]
E	Same as new claim 15

New claim 17

Group	Supporting description
E	Page 23, Paragraph [0242] →2,5-Bis(trifluoromethyl)phenyl group was selected.

New claim 18

Group	Supporting description
A	Same as amended claim 1
E	The phrase “a 3,5-di-substituted phenyl group wherein at least one of said substituents is trifluoromethyl group” was selected from amended claim 1.
Z	Same as amended claim 1

New claim 19

Group	Supporting description
A	Hydrogen atom was selected from new claim 18.
E	Page 23, Paragraphs [0245]-[0246] →Substituent Group δ-4e was selected.
Z	Pages 21-22, Paragraph [0235]

	→Partial formula (I-2z) was selected.
R <sup>z</sup>	Pages 21-22, Paragraph [0235] →The phrase "a benzene ring which may further have one or more substituents" means that R <sup>z</sup> may be hydrogen atom. Pages 21-22, Paragraph [0235] →Substituent Group γ-2z was selected.

New claim 20

Group	Supporting description
A	Same as new claim 19
R <sup>z</sup>	Halogen atom(s) was selected from new claim 19.
E	3,5-Bis(trifluoromethyl)phenyl group, 3-fluoro-5-(trifluoromethyl)phenyl group, 3-bromo-5-(trifluoromethyl)phenyl group, and 3-methoxy-5-(trifluoromethyl)phenyl group were selected from new claim 19.

New claim 21

Group	Supporting description
A	Same as new claim 20
R <sup>z</sup>	Same as new claim 20
E	3,5-Bis(trifluoromethyl)phenyl group was selected from new claim 20.

New claim 22

Group	Supporting description
A	Same as new claim 21
R <sup>z</sup>	Chlorine atom was selected from halogen atom(s) in new claim 21. →Page 2, Paragraph [0027]
E	Same as new claim 21

New claim 23

Group	Supporting description
E	Page 23, Paragraph [0245]

	→3,5-Bis(trifluoromethyl)phenyl group was selected.
--	---

New claim 24

Group	Supporting description
A	Same as amended claim 1
E	The phrases "a mono-substituted thiazol-2-yl group" and "a di-substituted thiazol-2-yl group" were selected from amended claim 1.
Z	Same as amended claim 1

New claim 25

Group	Supporting description
A	Hydrogen atom was selected from new claim 24.
E	Page 24, Paragraphs [0255]-[0258] →Substituent Group δ-5e and Substituent Group δ-6e were selected.
Z	Pages 21-22, Paragraph [0235] →Partial formula (I-2z) was selected.
R <sup>z</sup>	Pages 21-22, Paragraph [0235] →The phrase "a benzene ring which may further have one or more substituents" means that R <sup>z</sup> may be hydrogen atom. Pages 21-22, Paragraph [0235] →Substituent Group γ-2z was selected.

New claim 26

Group	Supporting description
A	Same as new claim 25
R <sup>z</sup>	Halogen atom(s) was selected from new claim 25.
E	5-Cyano-4-[(1,1-dimethyl)ethyl]thiazol-2-yl group, 5-methyl-4-phenylthiazol-2-yl group, 4-[(1,1-dimethyl)ethyl]-5-[(2,2-dimethyl)propionyl]thiazol-2-yl group, 4-[(1,1-dimethyl)ethyl]-5-morpholinothiazol-2-yl group, 4-[(1,1-dimethyl)ethyl]-5-(4-phenylpiperazin-1-yl)thiazol-2-yl group, 5-phenyl-4-(trifluoromethyl)thiazol-2-yl group, and 5-benzoyl-4-phenylthiazol-2-yl group were selected from new claim 25.

New claim 27

Group	Supporting description
A	Same as new claim 26
R <sup>z</sup>	Same as new claim 26
E	4-[(1,1-Dimethyl)ethyl]-5-[(2,2-dimethyl)propionyl]thiazol-2-yl group was selected from new claim 26.

New claim 28

Page 80, Paragraph [0275]

New claim 30

Page 80, Paragraph [0275]

RESTRICTION REQUIREMENT

In the Restriction Requirement, the Examiner alleges that there is more than one species of generic inventions. The Examiner further asserts that these species lack unity of invention because “they are not so linked as to form a single general inventive concept under PCT Rule 13.1.” Accordingly, the Examiner requires that Applicants elect a single disclosed species.

Election

Applicants elect Compound No. 4 as a single chemical species and lung cancer as a specific cancer species, with traverse. At least claims 1, 18-24, and 28-29 are readable on the elected species.

Traverse

Notwithstanding the election of Compound 4 and lung cancer in order to be responsive to the Restriction Requirement, Applicants respectfully traverse the Examiner's requirement for restriction.

Applicants' traversal is based upon the fact that the Restriction Requirement fails to satisfy the requirements for supporting a restriction requirement under the PCT Rules. PCT Rules 13.1 and 13.2 state that an international application must relate to one invention only or, if there is more than one invention, those inventions must be so linked as to form a single general inventive concept (Rule 13.1). Inventions are considered linked so as to form a single general inventive concept only when there is a technical relationship involving one or more of the same or corresponding "special technical features." The expression "special technical features" means those technical features that define a contribution which each of the inventions, considered as a whole, makes over the prior art (Rule 13.2).

In the Restriction Requirement, the Office considers the disclosed species as lacking unity of invention. However, Applicants note that the Examiner has not discussed the disclosed species in view of the prior art. Still further, the Examiner proceeds to divide the alleged species based upon their differences in their structures. This is not an acceptable criterion for Restriction for an application filed under 35 U.S.C. § 371.

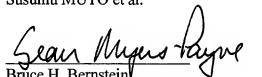
For all of the above reasons, Applicants submit that the Examiner's election of species requirement is improper, and should be withdrawn.

CONCLUSION

For the reasons discussed above, it is respectfully submitted that the requirement for election of species is improper, and the requirement should be withdrawn. Withdrawal of the requirement for the election of species with examination of all pending claims is respectfully requested. Favorable consideration with early allowance of all of the pending claims is most earnestly requested.

If there are any comments or questions, the undersigned may be contacted at the below-listed telephone number.

Respectfully submitted,  
Susumu MUTO et al.

  
Bruce H. Bernstein  
Reg. No. 29,027 42,920

October 22, 2007  
GREENBLUM & BERNSTEIN, P.L.C.  
1950 Roland Clarke Place  
Reston, VA 20191  
(703) 716-1191